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EXAMINER

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Commissioner of Patents and Trademarks

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-29 and 31-37 rejected under 35 U.S.C. 103(a) as being unpatentable over Dykstra et al, US 5,611,052, herein after Dykstra.

Claim 1 discloses a method for use in a terminal including a visual display and a pointing device, to provide a graphical user interface for graphically depicting credit application and related operations, the method comprising displaying on the visual display at least one icon for the selection of at least one associated function. Dykstra teaches a method for using a terminal for credit evaluation and loan processing. The method of Dykstra teaches a terminal, see abstract: "*The apparatus includes a central processing unit which has capabilities for communicating with off-site remote access terminals.*" Dykstra does not explicitly disclose that the terminals include a pointing device and a graphical user interface for graphically depicting credit application and related operations. However, he does disclose that the terminal can be a microcomputer, see column 3, lines 55-60: "*Point of purchase terminals could be dumb terminals, smart terminals, microcomputers or the like having a keyboard, display, or other*

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user input/output devices." Examiner asserts that in view of this disclosure it would have been obvious to have claimed a visual display and pointing device as this is suggested by the reference and well known components of a computer terminal. As to the GUI for graphically depicting credit information Dykstra clearly teaches a method that would suggest a graphically depiction of information, particular due to the ubiquitous nature of such depiction. See column 4, lines 15-40: "*The user... accesses a point of purchase terminal and, at step 102, initiates communications with a central processing until 10. Once communications is established the merchant chooses a particular lender at step 104... Next, at step 106, the merchant enters the potential borrower's loan application information into the point of purchase terminal. The merchant would normally view a video display attached to the point of purchase terminal and read a series of questions or data fields on the display. The merchant then enters any merchant specific information requested into the point of purchase terminal by means of an attached keyboard or other input device.*" Clearly this discloses a method which is driven by graphic prompts and data entry forms on the visual display. As such, no patentable distinction is imparted by this feature. Dykstra does not specifically disclose displaying on the visual display at least one icon for the selection of at lease one associated function. However, the examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of the invention to do so. The use of icon selection for invoking processes or programs on graphical computer systems and the benefits associated with doing so were notoriously well known at the

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time of the invention. As a result, clear motivation would have existed to have modified the system of Dykstra to make use of icon based controls.

As to claim 2, it further limits the method claim 1, wherein the function associated with the icon of claim 1 includes creating a new credit application. Dykstra teaches the function of creating a new credit application, see column 4, lines 12-40.

As to claim 3, it states displaying on the visual display a graphical depiction of a deal jacket including a graphical depiction of at least one selectable folder tab. Dykstra does not disclose displaying a graphical depiction of a deal jacket including graphical depiction of at least one selectable folder tab. However, examiner asserts that given the state of the art in graphical MS Windows based financial programs that it would have been obvious to one of ordinary skill in the art at the time of the invention to do so. Programs such as Microsoft Excel, which have been around since the mid 90's, utilized graphical representation of work books and other physical counter parts. Additionally, this program and others like it utilized selectable folder tabs. Such tabs are integral part of the Window's operating system and programs designed to operate on that platform. As such it would have been obvious to the skilled artisan at the time of the invention to have modified the system of Dykstra to have included a graphical representation of the loan application and to have also included selectable folder tabs.

As to claim 4, it states that the selection of said selectable folder tab displays at least one of the following associated screens: applicant data, load data, comments, bureau data, etc. Dykstra clearly teaches that data regarding credit bureau's is entered by the user at column 4,

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lines 41-49. As such it would have been obvious to one of ordinary skill in the art to have represented this data in a graphical representation of the entire application as this is one integral component to the application.

As to claim 5, it discloses highlighting selective information in color. Dykstra does not specifically teach highlighting selective information in color, however, the examiner asserts that use of different colors, fonts, and graphics to selectively draw attention to specific text and features is notoriously well known in the field of visual programming. As such, not patentable distinction is imparted by this limitation.

As to claim 6, it discloses displaying a series of images to form an animation representing an operation taking place taking place. Dykstra does not teach this specific limitation, however, the examiner again asserts that such methods are notoriously well known in the visual programming arts. For instance, in many MS Windows based programs, when a file is being saved an animation appears on the screen representing a diskette. Additionally, when a file is copied, and animation appears of a file flying from one folder to another. This was a feature of Windows version 95. Thus no patentable distinction is imparted by this feature.

As to claim 7, it states that the operation of claim 6 includes sending an application to a lender. Dykstra teaches the step of sending an application to a lender at column 5, lines 1-12.

As to claim 8, it is rejected on substantially the same basis as claim 3 as discussed above.

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As to claim 9, it further limits the method of claim 1 by displaying a series of credit application entry screens. Dykstra teaches credit application entry screens in figure 2A and in his abstract.

As to claim 10, it states that at least one graphical depiction of a folder tab which displays one of various screens related to the credit application are displayed on graphical representation of the deal jacket. As discussed above in reference to claim 3, Dykstra does not specifically teach displaying the folder tabs in the graphical depiction of the deal jacket. However, he clearly teaches entering information such as that disclosed in claim 10, see column 4, lines 15-55. This information, such as applicant data, applicant employment data, bureau data, etc. is known to be integral to any credit application. Thus one of ordinary skill in the art would have clearly been motivated to include folder tabs which cause various data entry screens to appear allowing entry of the aforementioned information.

As to claim 11, Dykstra teaches a method of operating a credit application and routing system. The system of Dykstra includes a central processor coupled to a communications medium for communicating with remote application entry and display devices at an application staging facility, see abstract. The system of Dykstra also teaches fax devices 30 and 34, remote display devices at point of sale locations 26, remote credit bureau terminal devices 38, and remote funding source terminal devices 34. The method of claim 11 teaches receiving a credit application from a point of sale location at an application staging facility by fax. Dykstra teaches receiving a credit application from a point of sale location, see column 2, lines 5-24. Dykstra

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also teaches manually entering credit application data from the facsimile credit application into a remote application entry and display device, see figure 2A and column 3, lines 49-65. Claim 11 then claims selectively receiving at the central processor the credit application data from the remote application entry and display device, selectively forwarding the credit application data to at least one remote funding source terminal device and selectively forwarding funding decision data from the at least one funding source terminal device to a display device at the respective point of sale location. Dykstra teaches receiving the credit application at the central processing unit from the remote application entry device. The system of Dykstra is somewhat different than that of the instant application in that it doesn't necessarily forward the application to a lender, as the central processor stores loan criteria and is authorized to make funding decisions directly. However, at column 6, lines 57-67, Dykstra clearly teaches that the system is capable, if necessary, to send the application data directly to a lender for a decision. Dykstra further teaches routing a funding decision back to the application entry terminal and display, see abstract.

As to claim 12, Dykstra teaches that the remote display devices at the point of sale comprise a fax machine or visual display, see figure 2-A.

As to claim 13, it is rejected on substantially the same basis as claim 11 as discussed above. Claim 13 differs from claim 11 in that it discloses optionally obtaining credit report data from at least one remote credit bureau devices and including this data in the credit application. Dykstra also includes obtaining credit bureau data on the applicant, see column 4, lines 41-54.

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As to claim 14, Dykstra teaches that the credit application terminal includes a data entry terminal for manual entry of the credit application data, see abstract.

As to claim 15, states that the kiosk data entry terminal is connected to a local finance and insurance system. Examiner admits that there is no suggestion of including an insurance system in the teachings of Dykstra, nor no clear motivation to include it therein. However, examiner is unable to find support for this feature in the disclosure of the instant application. Examiner requests citation supporting the claimed feature.

As to claim 16, Dykstra teaches a telephone connection at the data entry terminals for entering the credit application data. He does not specifically recite a remote data entry location, remote to the remote terminals used by the applicant for entering application data, however, the examiner asserts that it would have been obvious to do so. If for no other reason then as a back up to the computer system, it would have been obvious to one of ordinary skill in the art to have included a telephone at the central processor. This would have been greatly facilitated by the fact that a telephone line connects the remote terminals to the central processor. Examiner further asserts that the method of entering the data, either directly at the remote terminal, or through an intermediary at a second remote terminal, is not the key facet of the invention, which is an automated system for securing financing.

As to claim 17, it is rejected on substantially the same basis as claims 11 and 13 as discussed above.

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As to claim 18, it is rejected on substantially the same basis as claim 17 as discussed above. Claim 18 adds the additional limitation of creating a purchase contract if the funding is approved and forwarding the purchase contract from the funding source terminal and forwarding an indication of the purchase contract status to the remote application entry and display device.

Dykstra teaches an analogous method at column 7, lines 6-42.

As to claim 19, it is rejected on substantially the same basis as the other independent claims as discussed above.

As to claim 20, it is rejected on substantially the same basis as claim 1 as discussed above. Claim 20 differs from 1 in that it discloses use of the World Wide Web as the medium over which the initial credit application is entered. Examiner asserts that due to the ubiquitous and pervasive nature of web as a replacement to the telephone that it would have been obvious to one or ordinary skill in the art at the time of the invention to have modified the system of Dykstra to have utilized the web as well as traditional phone and facsimile transmission.

As to claim 21, Dykstra teaches sending a copy of the funding decision to the remote terminal which may be located at the dealer.

As to claim 22, Dykstra teaches that the step of sending the a copy of the funding decision to the dealer comprises faxing the data to the dealer.

As to claim 23, it is rejected on substantially the same basis as claim 1 as discussed above.

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As to claim 24, Dykstra teaches a credit scoring module, element 16, which performs credit scoring. In the process of credit scoring, it is notoriously well known to consider certain quantifiable metrics such as the debt ratio.

As to claim 25, Dykstra makes no mention of a method of updating the user software comprising checking the software of a user when the user connects to the system and if the user software is not the most recent version, automatically forwarding data to the user in updating the user software. However, Examiner takes official notice of the fact that in the computer arts it was well known at the time of the invention for software programs which connect to remote sites to prompt the user for upgrading to the latest version. An example of this is Internet Access software. For example when a user of AOL 4.0 logs on to AOL after version 5.0 is released, his version will be automatically detected and he will be prompted to download the latest version. Examiner further asserts that this feature is not central to applicant's invention.

As to claims 26 and 27, they are rejected on substantially the same basis as claim 25 as discussed above.

As to claim 28, it is rejected on substantially the same basis as claim 1 as discussed above.

As to claim 29, Dykstra teaches a central processing computer which is connected to remote terminals. The remote terminals serve as the data entry point and utilize a GUI which allows for intuitive entry of the application data. However, when the data is sent to the central computer, it is not necessary for all the descriptive information and graphics to be sent. The

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central processor is also executing a program and would be expected to pull some or all of the data fields out of the stream of data coming from the remote terminal. None of the descriptive data that would be provided on a data entry form is needed by the central computer, just the field values. Thus inherently, Dykstra teaches that the front end processor has and executes a program to convert the credit application data received into a format for use by a funding source credit processing system and to convert the funding decision data into a format for use by the central processor.

As to claim 32, it is rejected on substantially the same basis as claim 1 as discussed above.

As to claim 33, it is rejected on substantially the same basis as claim 13 as discussed above.

As to claim 34, it is rejected on substantially the same basis as claim 20 as discussed above.

As to claim 35, it is rejected on substantially the same basis as claim 22 as discussed above.

As to claim 36, it is rejected on substantially the same basis as claim 20 as discussed above.

As to claim 37, it is rejected on substantially the same basis as claim 20 as discussed above. Claim 37 recites the additional feature that the Web site is a web site with links to a plurality of dealers. Examiner asserts that this would have been obvious to one of ordinary skill

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in the art at the time of the invention given the known consolidation in the auto dealer industry.

One owner typically has several dealerships carrying a variety of makes of automobiles due to the returns to scale in advertising, transit, financing, etc., of operating more than one dealership.

Allowable Subject Matter

3. Claim 30 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jones et al, US 5,239,462, for teaching a method and apparatus for the real-time automatic determination of the approval status of a potential borrower of a loan, Jones et al, US 5,797,133, for teaching an updated version of the same, Dykstra et al, US 5,930,776, for teaching a lender direct credit evaluation and loan processing system, American Banker, "Re-Engineering Update: Where banks are Going to Fit Along the Information Highway," May 23, 1994, pg. 7, Vol 159, no. 98, for teaching general trends in computer assisted remote banking and loan

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approval. DeFrancesco et al, US 5,878,403, is cited as it may be relevant to potential double patenting rejection of the claims of the instant application.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip Groutt, whose telephone number is (703) 305-2398. The examiner can usually be reached Monday through Friday, from 8:30 am to 5:00 pm.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Todd Voeltz, can be reached at (703) 305-9714. The fax number for this group is (703) 305-0400.



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